

### REMARKS/ARGUMENTS

As noted above, claims 1, 2, 4, 5, 9, 15, 16, 18, 19, 21, 22, 25-28, 30-34, 37 and 39 have been amended, claims 3, 6-8, 10-14, 35, 36 and 38 are canceled, and claims 40-50 have been added. Support for these amendments may be found throughout the Specification.<sup>1</sup> Thus, claims 1, 2, 4, 5, 9, 15-34, 37 and 39-50 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

#### *Claim Rejections – 35 USC § 103*

Claims 1-5, 9, 15-23, 25-26 and 28-39 are rejected under 35 USC § 103 (a) as being unpatentable over Haggerty et al. (US Patent No. 6,331,983) in further view of Compressing TCP/IP Headers for Low-Speed Serial Links RFC1144 (RFC1144).

Claims 3, 35, 36 and 38 are canceled, and thus their rejection is moot.

Applicants respectfully traverse this rejection as the Examiner has not established any combination of the cited references that discloses or suggests the recited subject matter of the present claims.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.<sup>2</sup>

For example, referring to independent claims 1 and 22, there is no combination of the cited references that discloses or suggests an apparatus comprising a receiver for receiving an IP packet at a mobile station or a method for receiving an IP packet at a mobile station, wherein the mobile station is tethered to a terminal equipment and operable to provide the terminal equipment with access to a wireless network, where the IP packet is forwarded to an intended destination with or without decompression depending on if a connection identification in the IP packet does or does not correspond to an active application on the mobile station.

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<sup>1</sup> See, e.g., Specification, paragraphs 35, 41-49, 51 and 62-64.

<sup>2</sup> MPEP, section 2142.

Also, for example, referring to independent claims 33 and 34, there is no combination of the cited references that discloses or suggests a system or a snooper comprising a list that includes a connection identification associated with a terminal equipment tethered to the mobile station such that the mobile station is operable to provide the terminal equipment with access to a wireless network, wherein the system or snooper is operable to decompress a compressed VJ header and forward the packet with the decompressed VJ header to an active application running on the mobile station if the VJ CID of the packet matches a VJ CID associated with the active application running on the mobile station, and to forward the packet with the compressed VJ header to the terminal equipment if the VJ CID of the packet matches a VJ CID associated with the terminal equipment.

Further, for example, referring to independent claims 37 and 39, there is no combination of the cited references that discloses or suggests a method or apparatus comprising an act of or means for maintaining a connection identification (CID) list at an MS, wherein the CID list comprises CIDs corresponding to at least one of an active MS application or an active terminal equipment (TE) application on a TE tethered to the MS, wherein the MS acts as a gateway to a wireless network for applications running on either the MS or the TE, and a further act of or means for uncompressing the VJ compressed header and passing the IP packet to the MS with the uncompressed VJ compressed header if the CID of the IP packet is on the CID list and corresponds to the active MS application, and for passing the IP packet to the TE without uncompressing the VJ compressed header if the CID of the IP packet is not on the CID list or corresponds to the active TE application.

In contrast to the recited subject matter, the Examiner relies on Haggerty, which discloses apparatus and methods of establishing connections for multicast traffic in a switch-based network, as modified by RFC1144, which discloses Van Jacobson compression. However, this combination of references fails to provide the teachings and the motivation to form the recited subject matter.

Specifically, the Examiner references the packet switching aspects of multicast switches that support multicast as disclosed in one portion of Haggerty in combination an entirely different discussion in Haggerty relating to encapsulating multicast packets inside regular IP packets by IP routers that do not support multicast, as modified by the VJ disclosure of RFC1144, as disclosure

of the recited list and the recited forwarding/passing of a compressed or decompressed packet. Applicants respectfully disagree with this contention.

First, the Examiner has not provided any reasonable rationale explaining a motivation to combine these divergent disclosures. The Federal Circuit has consistently held that

*...‘virtually all [inventions] are combinations of old elements.’ Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’<sup>3</sup>*

The rule is obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.<sup>4</sup>

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.<sup>5</sup>

Accordingly, based on this failure to provide any explicit, reasonable rationale for combining the various cited disclosures, the Examiner has failed to make a *prima facie* rejection of the present claims under 35 USC § 103.

Moreover, Applicants submit that the disclosure in Haggerty relating to multicast switches that support multicast cannot be combined with the discussion in Haggerty relating to

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<sup>3</sup> *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998) (citations omitted).

<sup>4</sup> *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

<sup>5</sup> *KSR International Co., v. Teleflex Inc.*, No. 04-1350, (US, April 30, 2007).

encapsulating multicast packets inside regular IP packets by IP routers that do not support multicast, as such a combination would change the principle of operation of the multicast switch.

Additionally, even if the cited disclosures could be properly combined, such a combination does not teach or suggest the recited subject matter. In particular, Haggerty discloses multicast switches 14-19 that switch multicast packets between multicast-enabled hosts 1-6 over network links 20-27 and host links 10-13 based on a connection table 34 that maintains currently active connections for switch operation.<sup>6</sup> The Examiner's proposed combination results in the multicast switches encapsulating the multicast packets inside regular IP packets and routing these regular IP packets according to a connection identifier as taught by RFC1144. The proposed combination fails to disclose or suggest any tethering between a mobile station (MS) and a terminal equipment (TE) such that the mobile station provide the terminal equipment with access to a wireless network or wherein the MS acts as a gateway to a wireless network for applications running on either the MS or the TE. In contrast, the multicast switches and the multicast-enabled hosts are both separately in communication with the network of Haggerty. Further, the proposed combination fails to teach or suggest any discrimination between forwarding/passing compressed or uncompressed packets based on a correspondence between a connection identification of the IP packet and the MS, as presently recited. In contrast, the Examiner proposed combination encapsulates the multicast packets inside regular IP packets and routing these regular IP packets according to a connection identifier. Thus, based on the foregoing, the combination of Haggerty and RFC1144 fails to teach or suggest the subject matter recited by independent claims 1, 22, 33, 34, 37 and 39.

Claims 2, 4, 5, 9 and 23-27, depend from a respective one of independent claims 1 and 22, and thus are allowable over the cited references for at least the same reasons. Further, each of these claims separately recites a combination of subject matter that is not taught or suggested by any combination of the cited references.

Additionally, for example, referring to independent claims 15 and 28, there is no combination of the cited references that discloses or suggests a filter or method for identifying the IP data packets from the VJ uncompressed data packets, identifying a connection

identification in at least one of the VJ uncompressed packets as destined for the mobile station, and forwarding the connection identification to a connection identification list for use in subsequently assessing a destination of VJ compressed packets associated with the at least one of VJ uncompressed packets.

For similar reasons as discussed above, Applicants respectfully submit that the Examiner has not provided the required rationale to justify the proposed combination.

Further, even if the combination is proper, the proposed combination does not teach or suggest the recited subject matter. Whereas the claims recite a filter or method that includes forwarding the connection identification to a connection identification list for use in subsequently assessing a destination of VJ compressed packets associated with the at least one of VJ uncompressed packets, the Examiner's proposed combination fails to teach or suggest this subject matter. The Examiner cites to disparate portions of Haggerty in order to try to piece together the recited subject matter. However, the proposed combination is silent with respect to the recited subsequently assessing a destination of VJ *compressed* packets associated with the at least one of VJ *uncompressed* packets. With regard to the recited VJ compressed packets and the recited VJ *uncompressed* packets, the Examiner references the same portion of Haggerty, col. 1, lines 52-53, which simply relates to IP packets. In contrast to the recited subject matter, this disclosure of Haggerty does not relate at all to using a connection identification of an identified VJ uncompressed packet to subsequently assess a destination of a VJ compressed packet associated with the uncompressed packet. Thus, the proposed combination fails to teach or suggest the subject matter recited by independent claims 15 and 28.

Claims 16-21 and 29-32, depend from a respective one of independent claims 15 and 28, and thus are allowable over the cited references for at least the same reasons. Further, each of these claims separately recites a combination of subject matter that is not taught or suggested by any combination of the cited references.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-5, 9, 15-23, 25-26 and 28-39 under 35 USC § 103(a) as being as being unpatentable over Haggerty in further view of RFC1144.

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<sup>6</sup> Haggerty, col. 16, lines 22-64 and Fig. 5.

*Claim Rejections – 35 USC § 103*

Claims 24 and 27 are rejected under 35 USC § 103 (a), as being unpatentable over Haggerty et al. (US Patent No. 6,331,983) in view of Compressing TCP/IP Headers for Low-Speed Serial Links RFC1144 (RFC1144) and in further view of Jonsson et al. (US Patent No. 7,212,511). Applicants respectfully traverse this rejection.

Applicants respectfully traverse this rejection, as any combination of Haggerty and RFC1144 fails to disclose or suggest the recited subject matter. In particular, claims 24 and 27 respectively depend from independent claim 22, which is believed to be patentable over Haggerty and RFC1144 as noted above. Further, Jonsson fails to address the above-noted failures of Haggerty and RFC1144. Thus, claims 24 and 27 are also non-obvious and patentably distinguishable over the cited prior art references.<sup>7</sup> Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 24 and 27 under 35 USC § 103(a) as being as being unpatentable over Haggerty in view of RFC1144 and in further view of Jonsson.

*New Claims*

Applicants have added new claims 40-50 to recite subject matter to which they are entitled. As noted above, these new claims are fully supported throughout the Specification.

Additionally, claims 40-50 are allowable, as there is no combination of the cited references that discloses or suggests the subject matter recited by these claims.

In particular, claims 40-47 respectively depend from one of the previously discussed independent claims, which are believed to be patentable over any combination of the cited references. Thus, for at least the same reasons, claims 43-46 are also non-obvious and patentably distinguishable over the cited prior art references.<sup>8</sup> Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references. In particular, there is no combination of the cited references that discloses or suggests that an IP

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<sup>7</sup> MPEP 2143.03.

<sup>8</sup> MPEP 2143.03.

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address of the mobile station comprises a destination address for both the mobile station and the terminal equipment.

Additionally, claims 48-50 recite software modules having aspects similar to those recited in independent claims 22, 28 and 37, respectively. Thus, claims 48-50 are allowable at least for the same reasons as discussed above with respect to independent claims 22, 28 and 37.

Therefore, Applicants respectfully request that the Examiner allow claims 40-50.

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### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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